



PUBLIC NOTICE

US Army
Corps
of Engineers
Baltimore
District

In Reply to Application Number
CENAB-OP-RMN(MD SHA/MD 32: MD 108 TO
I-70)95-01083-12

PN06-41

Comment Period: August 1, 2006 to September 1, 2006

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

The Baltimore District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act and State authorization pursuant to the Tidal Wetlands Act and/or Nontidal Wetlands Protection Act, as described below:

APPLICANT *Maryland State Highway Administration*
 Attn: Mrs. Susan M. Ridenour
 707 North Calvert Street
 Baltimore, MD 21202

LOCATION: MD32 From MD108 to I-70, Howard County, Maryland

WORK: The Maryland State Highway Administration (SHA) is requesting a Department of the Army (DA) authorization to permanently impact Waters of the United States, including jurisdictional wetlands incidental to the construction of proposed improvements to MD32, from MD108 to I-70, located in Howard County, Maryland. The improvements are proposed to address current safety and capacity deficiencies. During the development of the project, SHA investigated a number of alternatives and options that would best serve the purpose and need. The preferred alternative includes the upgrade of MD32 from the existing two-lane, signalized intersection/uncontrolled access arterial, to a four-lane, controlled access, divided highway with a 34-foot median and 10-foot inside/outside shoulders. Widening of the facility would generally occur on the west side of MD32 except in the vicinity of Terrapin Branch where the widening would occur on each side of the existing alignment to limit encroachment on Terrapin Branch. The following intersections would be upgraded to interchanges: (a) Linden Church Road. (b) The Dayton Shop Interchange. (c) Burntwoods Road. (d) Rosemary Lane. (e) MD144. In addition, the I-70 interchange would be upgraded to provide free flow access from MD32 to I-70 (refer to attached plans dated June 2006 for detailed depictions of each interchange). The improvement of MD32 would also include the provision of frontage roads, located on the west side of MD32 from: (a) MD144 providing connection from Fox Chase Estates, to Nixon's Farm driveway, to the MD144 Interchange. (b) Rosemary Lane's eastern & western frontage Roads, and eastern driveway providing access from adjoining parcels and driveways to MD32. (c) Wellworth Way providing access from adjoining parcels to MD32. Anticipated impacts to Waters of the United States, including jurisdictional wetlands resulting from the implementation of the proposed improvements are currently projected to include approximately 4.0 acres of wetlands (1.70 acres forested, 0.20 acres scrub/shrub, 1.47 acres emergent, 0.63 acres ponds) and, 13,787 linear feet of streams (13,314 permanent & 473 temporary). Compensatory mitigation for impacts to wetlands and streams would be required and is proposed at: (a) The Nixon Farm Property, a 39 acre site located adjacent to the Middle Patuxent, where a potential combination of; wetland creation, wetland enhancement, wetland preservation, riparian buffer planting, forested floodplain preservation, and pond enhancement would occur within 29 acres

of the site. (b) Terrapin Branch, to the north of the proposed MD144 Interchange, where a riparian buffer would be created or enhanced. (c) Rosemary Lane, where a current fish blockage would be removed. All work would be completed in accordance with the enclosed plans. If you have any questions concerning this matter, please contact Mr. Steve Elinsky at 410.962.4503.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the Maryland Department of the Environment. Any written comments concerning the work described above which relate to water quality certification must be received by the Standards and Certification Division Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period as specified above to receive consideration. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified above to receive consideration. The 401 certifying agency has a statutory limit of one year to make its decision.

The applicant must obtain any State or local government permits which may be required.

A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

Review of the latest published version of the National Register of Historic Places indicates that registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest which may be adversely affected by this activity in the manner in which the interest may be adversely affected.

It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

*** Please note that the electronic copy of this notice does not include a complete set of the proposed plans due to current attachment limitations. A complete set of the plans is available from this office upon request. ***